

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

July 12, 2024

LAURA A. AUSTIN, CLERK

BY:

s/A. Beeson
DEPUTY CLERK

MEGAN STEPANSKY,

Plaintiff,

v.

SOUTHWEST VIRGINIA REGIONAL
JAIL AUTHORITY, *et al.*,

Defendants.

Civil Action No. 7:23cv00698

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Megan Stepansky, a former inmate proceeding *pro se* and *in forma pauperis*, filed this civil action under 42 U.S.C. § 1983, naming several defendants, including the Virginia Department of Corrections (“VDOC”). Having reviewed the record, the court concludes that Stepansky’s amended complaint fails to state a cognizable federal claim against the VDOC. Therefore, the court will dismiss Stepansky’s complaint against the VDOC under 28 U.S.C. § 1915(e)(2)(B)(ii). This action will remain pending against the other defendants.

To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. *West v. Atkins*, 487 U.S. 42 (1988). A state, including an agency operating as an arm of the state, is not a “person” subject to suit under § 1983. *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 70 (1989). The VDOC is a state agency, so all claims against it must be dismissed.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to Stepansky.

ENTERED this 12th day of July, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE